

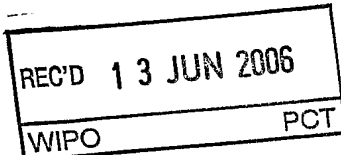
PATENT COOPERATION TREATY


PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)



Applicant's or agent's file reference A1		FOR FURTHER ACTION	See Form PCT/PEA/416
International application No. PCT/GB2005/001319		International filing date (day/month/year) 05.04.2005	Priority date (day/month/year) 05.04.2004
International Patent Classification (IPC) or national classification and IPC INV. A43B7/12 A43B5/04 A43B19/00 A41B11/00 A43D25/07 B29D31/512 A43B13/18			
Applicant GIBSON-COLLINSON, Marc			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau a total of 3 sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand 13.11.2005		Date of completion of this report 12.06.2006	
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized officer Claudel, B Telephone No. +31 70 340-4482	



**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/GB2005/001319

Box No. I Basis of the report

1. With regard to the **language**, this report is based on
- ☒ the international application in the language in which it was filed
 - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of:
 - ☐ international search (under Rules 12.3(a) and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4(a))
 - ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-11 as published

Claims, Numbers

1-20 filed with telefax on 13.11.2005

Drawings, Sheets

1/8-8/8 as published

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/GB2005/001319

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-20
	No: Claims	
Inventive step (IS)	Yes: Claims	1-20
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-20
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

- 1 Reference is made to the following documents:
D1: DE1995542
D2: US4317292
- 2 The document D1 is regarded as being the closest prior art to the subject-matter of **claim 1**, and shows (the references in parentheses applying to this document): a footwear inner liner comprising:
 - an upper portion (Fig 3) with an opening through which a foot can be inserted and accommodates a wearer's ankle or leg and a lower portion the sole, the upper and lower portions form a sock-like envelope with a closed end to accommodate a wearer's toes,
 - comprised of a layered fabric composite material that is permeable to gases and impermeable to water (claim 8) the envelope is constructed from a plurality of joined parts where tape (86) is bonded over joints waterproofing the joint,
 - bonded to the said lower portion of the envelopes outer surface is a resilient elastomeric material providing waterproofing over that which it encompasses,
 - the elastomeric material is formed to a pre-determined shape;
 - the said elastomeric material is padding (page 7, line 7, "hochelastisch"),
 - the said padding extends around the sides of the inner liner including the toe and heel areas and is formed and bonded three-dimensionally to the said envelope in an ergonomically considered shape,
- 2.1 The subject-matter of **claim 1** therefore differs from this known D1 in that:
 - a) the periphery of the said padding material is reduced in thickness and consolidated and densified, and a tapered transition of the padding materials thickness from the sole to its periphery is provided,
 - b) the said padding comprises a consolidated and densified durable skin on its outer surface and the said padding comprises selectively consolidated and densified locations forming defined shaping of the padding. The subject-matter of **claim 1** is therefore new (Article 33(2) PCT).
- 2.2 The problems to be solved by the present invention may therefore be regarded as
 - a) having an inner liner free of angles, profiled;

b) improving the comfort of the user in the known foot sensitive zones.

2.3 The solution to this problem proposed in **claim 1** of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

a) the skilled person knows perfectly how to design tapered edges of soles, see for instance D3, claim 1.

b) Even if the skilled person would think of making a selectively densified sole, he would not think of incorporating it to a footwear of the type described in the preamble of claim 1, because it requires a machinery which is specific to this inner liner.

2.4 A similar reasoning can apply to **claim 11**.

2.5 **Claims 2-10, 12-20** are dependent on **claims 1 and 11** and as such also meet the requirements of the PCT with respect to novelty and inventive step.

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